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SKYWEST AIRLINES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SKYWEST PILOTS ALPA ORGANIZING
COMMITTEE, et al.,

Plaintiffs,

vs.

SKYWEST AIRLINES, INC.,

Defendant.

Case No. C-07-2688 CRB

**DEFENDANT'S OPPOSITION TO
MOTION TO DISMISS PLAINTIFF
STEVE DOW**

Date: June 20, 2008

Time: 10:00 a.m.

Place: Courtroom 8, 19th Floor

Defendant SkyWest Airlines, Inc. ("SkyWest") hereby files its opposition to the Plaintiffs' motion to dismiss Steve Dow as a party to this matter, without prejudice. SkyWest objects to Captain Dow's dismissal at this stage of the proceedings given his substantial role in the case to date, and because Plaintiffs' motion seeks to deny, or at least complicate, SkyWest's ability to take discovery from Captain Dow.

According to the declaration he submitted in support of the Plaintiffs' motion for a preliminary injunction in this matter, Captain Dow was one of the founders of the SkyWest Pilots

1 ALPA Organizing Committee. He was the Plaintiffs' first – and lengthiest – witness at the hearing
2 on their preliminary injunction motion. *See* Declaration of Douglas Hall ("Hall Decl."), ¶ 2.

3 On February 21, 2008, SkyWest served interrogatories and document requests on the
4 Plaintiffs, including Captain Dow. Plaintiffs' responses, therefore, originally were due on March 24,
5 2008. On March 17, 2008, Plaintiffs' counsel requested an extension until April 21, 2008 for the
6 Plaintiffs' discovery responses. SkyWest's counsel agreed to that request. Hall Decl., ¶ 3.

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8 At no time during the discussions concerning Plaintiffs' requested extension to the deadline
9 for submitting their discovery requests did Plaintiffs' counsel mention that Captain Dow was leaving
10 SkyWest's employment or that the Plaintiffs would seek to have him dismissed as a Plaintiff as a
11 result. If SkyWest had been aware of those facts, it would not have agreed to extend the deadline for
12 Captain Dow's discovery responses. Because of the Plaintiffs' position that Captain Dow should be
13 dismissed, Captain Dow has yet to respond to the discovery requests propounded on him by
14 SkyWest. In addition, to date, Plaintiffs have taken the position that SkyWest should not be
15 permitted to take the depositions of any of the individual Plaintiffs who, like Captain Dow, testified
16 at the preliminary injunction hearing, on the theory that they "have already been subject to lengthy
17 cross-examination." Hall Decl., ¶¶ 4-5.

18
19 If Captain Dow were dismissed as a plaintiff in this suit, there would be nothing to prevent
20 him from subsequently appearing on Plaintiffs' behalf in this matter (either at trial or via affidavit in
21 connection with a dispositive motion). In light of Captain Dow's significant involvement in this
22 case to date, and the role he potentially could play in this case in the future, SkyWest's need to
23 obtain discovery from him is patent. Plaintiffs should not be permitted to take advantage of
24 SkyWest's cooperation in agreeing to extend the deadline for their discovery responses to shield
25 Captain Dow from his obligation, as a plaintiff in this lawsuit, to respond to SkyWest's written
26 discovery. Moreover, granting the motion to dismiss Captain Dow would force SkyWest to seek
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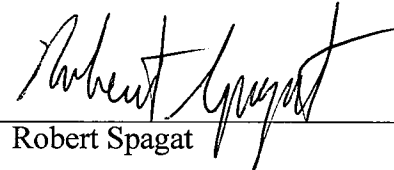
1 discovery from him as a third-party – a process in which, no doubt, Captain Dow would continue to
2 be represented by the same counsel. Thus, it makes little sense from a practical perspective to grant
3 Plaintiffs' motion.

4 For all of the reasons set forth above, SkyWest requests that the Court deny Plaintiffs'
5 motion to dismiss Captain Dow at this stage of the proceedings.
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8 Dated: May 30, 2008

WINSTON & STRAWN LLP

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10 By:


Robert Spagat

11 Attorneys for Defendant
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